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EXAMINER
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POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/957,394	<b>Applicant(s)</b> PATTON, RONNIE NEIL	
	<b>Examiner</b> Joseph R. Pokrzywa	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20, 21, 23-37 and 39-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20, 21, 23-37 and 39-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 8/19/05, and has been entered and made of record. Currently, **claims 1-18, 20, 21, 23-37, and 39-62** are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 9-15, 18, 20, 21, 28-35, 37, 39, 40, 46-53, 56, and 57** are rejected under 35 U.S.C. 102(e) as being anticipated by Michel *et al.* (U.S. Patent Number 6,215,562).

Regarding **claim 1**, Michel discloses a printing system (see Fig. 4) comprising a printing device for printing on a printing medium in accordance with a plurality of adjustable settings (output 60, column 7, lines 21-65, see Figs. 3A and 3B), an interface (operator panel 20, column 7, lines 51-65), and a controller for controlling the adjustable settings of the printing device responsive to inputs from the interface (printer/copier engine 10, column 7, lines 51-65), the controller having an on line mode wherein the printing device prints while the adjustable settings are unchanging, and an off line mode for calibration of the adjustable settings for the printing medium (column 7, lines 21-65, wherein the Power Saver Mode is used for setting a calibration,

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as seen in Fig. 3A), wherein the controller is adapted to, while in the off line mode (column 7, lines 21-65, see Fig. 3A), identify a plurality of first calibration values for a first setting of the adjustable settings through derivation of at least one trigger value (steps 305-308, column 7, lines 21-50), iteratively set the first setting of the printing device to each of the first calibration values, where the printing device, after each iteration, prints a corresponding sample image according to the first setting (column 4, lines 1-27, and column 7, lines 21-50, steps 308, 312, 314 and 316), and receive a first feedback input that identifies one of the first calibration values as preferred for the first setting (column 7, lines 21-50, steps 307, 311, 315, and 317).

Regarding *claim 2*, Michel discloses the system discussed in claim 1 above, and further teaches that the controller is further adapted to identify a plurality of second calibration values for a second setting of the adjustable settings (column 7, line 21-column 8, line 14), iteratively set the second setting of the printing device to each of the second calibration values, where the printing device, after each iteration, prints a corresponding sample image according to the second setting (column 7, line 21-column 8, line 14), and receive a second feedback input that identifies one of the second calibration values as preferred for the second setting (column 7, line 21-column 8, line 14).

Regarding *claim 3*, Michel discloses the system discussed above in claim 1, and further teaches that the controller is further adapted to control the printing device to also print an indicium on each sample corresponding to the calibration value of the first setting being used, and interpret the feedback input based on the indicium (see Figs. 1 and 2).

Regarding **claim 9**, Michel discloses the system discussed above in claim 1, and further teaches that the second calibration values are preset for the second setting (column 5, lines 21-60, and column 7, line 21-column 8, line 14).

Regarding **claim 10**, Michel discloses the system discussed above in claim 1, and further teaches that the controller is further adapted to receive at least one trigger value regarding the first setting, wherein the first calibration values are derived from the trigger value (column 5, line 21-column 6, line 61).

Regarding **claim 11**, Michel discloses the system discussed above in claim 10, and further teaches that the trigger value corresponds to an initial value (column 5, line 21-column 6, line 61).

Regarding **claim 12**, Michel discloses the system discussed above in claim 11, and further teaches that the first calibration values are derived from an increment and the initial value (column 5, line 21-column 6, line 61).

Regarding **claim 13**, Michel discloses the system discussed above in claim 11, and further teaches that the increment has a preset value (column 5, line 21-column 6, line 61, and column 7, lines 1-65).

Regarding **claim 14**, Michel discloses the system discussed above in claim 1, and further teaches of a memory (column 7, line 51-column 8, line 14).

Regarding **claim 15**, Michel discloses the system discussed above in claim 14, and further teaches that the controller is adapted to store in the memory a preferred one of the first calibration values in a memory (column 7, line 51-column 8, line 14).

Regarding *claim 18*, Michel discloses an article comprising a storage medium, the storage medium having instructions stored thereon (being inherent in the printer seen in Figs. 4 and 5, column 7, lines 51-column 8, line 14), wherein when the instructions are executed by at least one device, they result in placing a printing device in an off line media characterization mode (column 7, lines 21-65, wherein the Power Saver Mode is used for setting a calibration, as seen in Fig. 3A), identifying a plurality of first calibration values for the first setting of the printing device (column 7, lines 21-65), iteratively setting the setting of the printing device according to each of the first calibration values, where the printing device, after each iteration, prints a corresponding sample image according to the first setting (column 7, line 21-column 8, line 14), and receiving a first feedback input that identifies one of the first calibration values as preferred for the first setting (column 7, line 21-column 8, line 14), identifying a plurality of second calibration values for a second setting of the printing device (column 7, line 21-column 8, line 14), iteratively setting the second setting of the printing device according to each of the second calibration values, where the printing device, after each iteration, prints a corresponding sample image according to the second setting (column 7, line 21-column 8, line 14), and receiving a second feedback input that identifies one of the second calibration values as preferred for the second setting (column 7, line 21-column 8, line 14).

Regarding *claim 20*, Michel discloses the article discussed above in claim 18, and further teaches that all the sample images are derived from a single electronic image file (column 5, line 21-column 6, line 61).

Regarding **claim 21**, Michel discloses the article discussed above in claim 18, and further teaches of printing, along with each sample image, an indicium corresponding to the first calibration value of the first setting in use while printing the sample image (see Figs. 1 and 2).

Regarding **claim 28**, Michel discloses the article discussed above in claim 37, and further teaches that the first calibration values are preset for the first setting (column 5, line 21-column 6, line 61).

Regarding **claim 29**, Michel discloses the article discussed above in claim 18, and further teaches of receiving at least one trigger value regarding the first setting, wherein the first calibration values are derived from the trigger value (column 5, line 21-column 6, line 61).

Regarding **claim 30**, Michel discloses the article discussed above in claim 29, and further teaches that the trigger value corresponds to an increment value (column 5, line 21-column 6, line 61, and column 7, lines 1-50).

Regarding **claim 31**, Michel discloses the article discussed above in claim 29, and further teaches that the trigger value corresponds to an initial value (column 5, line 21-column 6, line 61).

Regarding **claim 32**, Michel discloses the article discussed above in claim 31, and further teaches that the first calibration values are derived from an increment and the initial value (column 5, line 21-column 6, line 61).

Regarding **claim 33**, Michel discloses the article discussed above in claim 31, and further teaches that the increment has a preset value (column 5, line 21-column 6, line 61, and column 7, lines 1-50).

Regarding **claim 34**, Michel discloses the article discussed above in claim 31, and further teaches of setting a value for the increment (column 5, line 21-column 6, line 61, and column 7, lines 1-50).

Regarding **claim 35**, Michel discloses the article discussed above in claim 18, and further teaches of storing a preferred one of the first calibration values in a memory (column 7, line 51-column 8, line 15).

Regarding **claim 37**, Michel discloses a method comprising placing a printing device in an off line media characterization mode (column 7, lines 21-65, wherein the Power Saver Mode is used for setting a calibration, as seen in Fig. 3A), identifying a plurality of first calibration values for the first setting of the printing device (column 7, lines 21-65), iteratively setting the setting of the printing device according to each of the first calibration values, where the printing device, after each iteration, prints a corresponding sample image according to the first setting (column 7, line 21-column 8, line 14), and receiving a first feedback input that identifies one of the first calibration values as preferred for the first setting (column 7, line 21-column 8, line 14), identifying a plurality of second calibration values for a second setting of the printing device (column 7, line 21-column 8, line 14), iteratively setting the second setting of the printing device according to each of the second calibration values, where the printing device, after each iteration, prints a corresponding sample image according to the second setting (column 7, line 21-column 8, line 14), and receiving a second feedback input that identifies one of the second calibration values as preferred for the second setting (column 7, line 21-column 8, line 14).

Regarding **claim 39**, Michel discloses the method discussed above in claim 37, and further teaches that all the sample images are derived from a single electronic image file (column 5, line 21-column 6, line 61).

Regarding **claim 40**, Michel discloses the method discussed above in claim 37, and further teaches of printing, along with each sample image, an indicium corresponding to the first calibration value of the first setting in use while printing the sample image (see Figs. 1 and 2).

Regarding **claim 46**, Michel discloses the method discussed above in claim 37, and further teaches that the first calibration values are preset for the first setting (column 5, line 21-column 6, line 61).

Regarding **claim 47**, Michel discloses the method discussed above in claim 37, and further teaches of receiving at least one trigger value regarding the first setting, wherein the first calibration values are derived from the trigger value (column 5, line 21-column 6, line 61).

Regarding **claim 48**, Michel discloses the method discussed above in claim 47, and further teaches that the trigger value corresponds to an increment value (column 5, line 21-column 6, line 61, and column 7, lines 1-50).

Regarding **claim 49**, Michel discloses the method discussed above in claim 47, and further teaches that the trigger value corresponds to an initial value (column 5, line 21-column 6, line 61).

Regarding **claim 50**, Michel discloses the method discussed above in claim 49, and further teaches that the first calibration values are derived from an increment and the initial value (column 5, line 21-column 6, line 61).

Regarding *claim 51*, Michel discloses the method discussed above in claim 49, and further teaches that the increment has a preset value (column 5, line 21-column 6, line 61, and column 7, lines 1-50).

Regarding *claim 52*, Michel discloses the method discussed above in claim 49, and further teaches of setting a value for the increment (column 5, line 21-column 6, line 61, and column 7, lines 1-50).

Regarding *claim 53*, Michel discloses the method discussed above in claim 37, and further teaches of storing a preferred one of the first calibration values in a memory (column 7, line 51-column 8, line 15).

Regarding *claim 56*, Michel discloses a method comprising selecting a first setting of a printing device for calibration with a printing medium, feeding a plurality of sheets of the printing medium to the printing device for printing a plurality of sample images (column 7, line 21-column 8, line 14), visually inspecting the sample images corresponding to the first setting to select one of them as the preferred one (column 7, line 21-column 8, line 14), entering in a memory a first feedback input to indicate the preferred sample image (column 7, line 21-column 8, line 14), selecting a second setting of the printing device for calibration with the printing medium (column 7, line 21-column 8, line 14), where the printing device prints a plurality of sample images according to the selection of the second setting (column 7, line 21-column 8, line 14), visually inspecting the sample images corresponding to the second setting to select one of them as the preferred sample image (column 7, line 21-column 8, line 14), and entering in a memory a second feedback input to indicate the preferred sample image (column 7, line 21-column 8, line 14).

Regarding *claim 57*, Michel discloses the method discussed above in claim 56, and further teaches that each of the sample images includes an indicium, and the first and second feedback inputs identify the indicium (see Figs. 1 and 2).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4-6, 23-25, 41-43, and 58-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel *et al.* (U.S. Patent Number 6,215,562) in view of Sawano (U.S. Patent Number 6,384,895, cited in the Office action dated 5/19/05).

Regarding *claims 4-6, 23-25, 41-43, and 58-60*, Michel discloses the system, article, and methods discussed above in claims 1, 18, 37, and 56, respectively, but fails to expressly disclose if the first setting is a temperature of a fuser, a print speed, or a set of color curves.

Sawano discloses a system that places a printing device in a media characterization mode for a first setting of the printing device (see Fig. 2), identifies a plurality of first calibration values for the first setting (column 5, line 50-column 6, line 67), sets the printing device according to one of the first calibration values and then printing a sample image using the printing device (see Fig. 2, column 6, line 9-67, and column 9, lines 8-37), and receives a first feedback input that identifies one of the first calibration values as preferred for the first setting (column 11, lines 11-67). Further, Sawano teaches that the first setting is a temperature of a fuser (see Fig. 2,

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column 13, line 66-column 14, line 20), a print speed (see Fig. 2, column 14, lines 34-67), or a set of color curves (see Fig. 2, and column 15, line 1-column 16, line 18).

Michel & Sawano are combinable because they are from the same field of endeavor, being systems that calibrate a printing device using a printed calibration pattern. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Sawano's method of calibrating within Michel's system. The suggestion/motivation for doing so would have been that Michel's system would become more efficient, since an image would have increased gradation accuracy, as recognized by Sawano in column 2, lines 5-22. Therefore, it would have been obvious to combine the features taught by Sawano with the system of Michel to obtain the invention as specified in claims 4-6, 23-25, 41-43, and 58-60.

6. **Claims 7, 16, 17, 26, 36, 44, 54, 55, and 61** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel *et al.* (U.S. Patent Number 6,215,562) in view of Yamaguchi (U.S. Patent Number 6,788,431, cited in the Office action dated 5/19/05).

Regarding **claims 7, 26, 44, and 61**, Michel discloses the system, article, and methods discussed above in claims 1, 18, 37, and 56, respectively, but fails to expressly disclose if the first setting is a set of gamma curves.

Yamaguchi discloses a system that places a printing device in a media characterization mode for a first setting of the printing device (column 11, lines 1-15), identifies a plurality of first calibration values for the first setting (column 5, lines 66-column 6, line 13, and column 11, lines 1-37), sets the printing device according to one of the first calibration values and then printing a sample image using the printing device (column 8, line 59-column 9, line 7, and column 11, lines 1-63), and receives a first feedback input that identifies one of the first calibration values as preferred for the first setting (column 11, line 26-column 12, line 24). Further, Yamaguchi teaches that the first setting is a set of gamma curves (column 11, lines 26-63).

Michel & Yamaguchi are combinable because they are from the same field of endeavor, being systems that calibrate a printing device using a printed calibration pattern. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Yamaguchi's method of calibrating using gamma curves within Michel's system. The suggestion/motivation for doing so would have been that Michel's system would become more efficient, since a simple calibration utilizes gamma curves when printing images on a photosensitive material, as recognized by Yamaguchi in columns 1, 2, and 11. Therefore, it would have been obvious to combine the features taught by Yamaguchi with the system of Michel to obtain the invention as specified in claims 7, 26, 44, and 61.

Regarding *claims 16, 17, 36, 54, and 55*, Michel discloses the system, article, and method discussed above in claims 14, 35, and 53, respectively, but fails to expressly disclose of storing in the memory an identifier for the printing medium that the samples are printed on, whereby a bar code is scanned to read the identifier.

Yamaguchi discloses a system that places a printing device in a media characterization mode for a first setting of the printing device (column 11, lines 1-15), identifies a plurality of first calibration values for the first setting (column 5, lines 66-column 6, line 13, and column 11, lines 1-37), sets the printing device according to one of the first calibration values and then printing a sample image using the printing device (column 8, line 59-column 9, line 7, and column 11, lines 1-63), and receives a first feedback input that identifies one of the first calibration values as preferred for the first setting (column 11, line 26-column 12, line 24). Further, Yamaguchi teaches of storing in the memory an identifier for the printing medium that the samples are printed on (column 4, lines 30-39), whereby a bar code is scanned to read the identifier (column 4, lines 30-39).

Michel & Yamaguchi are combinable because they are from the same field of endeavor, being systems that calibrate a printing device using a printed calibration pattern. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Yamaguchi's method of identifying calibration patterns within Michel's system. The suggestion/motivation for doing so would have been that Michel's system would become more efficient, since a calibration pattern would easily be identified by using a bar code, as recognized by Yamaguchi in column 4, lines 30-34. Therefore, it would have been obvious to combine the features taught by Yamaguchi with the system of Michel to obtain the invention as specified in claims 16, 17, 36, 54, and 55.

7. **Claims 8, 27, 45, and 62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Michel *et al.* (U.S. Patent Number 6,215,562) in view of Housel (U.S. Patent Application Publication US2003/0164960, cited in the Office action dated 5/19/05).

Regarding **claims 8, 27, 45, and 62**, Michel discloses the system, article, and methods discussed above in claims 1, 18, 37, and 56, respectively, but fails to expressly disclose if the first setting is a set of white point data.

Housel discloses a system that places a printing device in a media characterization mode for a first setting of the printing device (see abstract), identifies a plurality of first calibration values for the first setting (paragraphs 0029-0031), sets the printing device according to one of the first calibration values and then printing a sample image using the printing device (paragraphs 0030-0033), and receives a first feedback input that identifies one of the first calibration values as preferred for the first setting (paragraphs 0032-0033). Further, Housel teaches that the first setting is a set of white point data (paragraphs 0031-0041, see Fig. 2).

Michel & Housel are combinable because they are from the same field of endeavor, being systems that calibrate a printing device using a printed calibration pattern. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use Housel's method of calibrating using white point data within Michel's system. The suggestion/motivation for doing so would have been that Michel's system would ensure a consistent output calibration, as recognized by Housel in paragraphs 0031-0034. Therefore, it would have been obvious to combine the features taught by Housel with the system of Michel to obtain the invention as specified in claims 8, 27, 45, and 62.

***Citation of Pertinent Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**Nakamura** (U.S. Patent Application Publication 2002/0054769) discloses a system for adjusting concentrations of grey with improved reference and test patterns.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2622



jrp